



DEPARTMENT OF THE NAVY

NAVAL AIR SYSTEMS COMMAND
NAVAL AIR SYSTEMS COMMAND HEADQUARTERS
WASHINGTON, DC 20361 -0001

IN REPLY REFER TO
NAVAIRINST 5730.3B
AIR-00D/07D
2 Jun 92

NAVAIR INSTRUCTION 5730.3B

From: Commander, Naval Air Systems Command

Subj: POLICIES AND PROCEDURES FOR HANDLING LEGISLATIVE AND CONGRESSIONAL MATTERS

Ref: (a) SECNAVINST 5730.5G

1. Purpose. To establish policy, assign responsibilities, and provide procedural guidance to activities under the command/support of the Naval Air Systems Command Headquarters (NAVAIRHQ) in the handling of inquiries from and in conducting official business with members of Congress, congressional committees, and their representatives in accordance with reference (a).
2. Cancellation. This instruction supersedes NAVAIR Instruction 5730.3A of 11 April 1984.
3. Background. Various committees and subcommittees of the Congress are charged with responsibilities in areas of military activity, and have a definite need-to-know concerning command operations in those areas. In addition, individual members of Congress, either as members of those committees, or as representatives of their districts and constituents, frequently have a need-to-know. The objective of this instruction is to facilitate satisfactory relationships with the Congress, rather than to impose restrictions on such relationships.
4. Policy. It is the policy of the Commander, Naval Air Systems Command that every proper courtesy and assistance be extended to members of Congress, congressional committees, and their representatives; and that their inquiries, written or oral, be answered fully, frankly, truthfully and expeditiously, without expressed or implied criticism of the administration or any element of the Department of Defense (DoD); inquiries on problem areas should be answered straightforwardly with emphasis on corrective measures being taken; in short, responsible personnel in the field establishment should consider themselves as goodwill ambassadors of the Navy and DoD. NAVAIRHQ Congressional and Public Affairs Office (AIR-00D/07D) must be kept informed of significant matters related to legislative affairs and congressional relations to insure proper coordination within the Department of the Navy.
5. Responsibilities
 - a. NAVAIRHQ Director of the Congressional and Public Affairs Office (AIR-00D) is the Commander's principal staff assistant for discharging the



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legislative functions and responsibilities of the command, including the coordination of congressional matters with the Offices of the Chief of Naval Operations (CNO), the Chief of Legislative Affairs (OLA), the Comptroller of the Navy (NAVCOMPT), and others, as appropriate, to ensure consistency and conformance with Navy policy.

b. Heads of NAVAIR field activities are responsible for the local conduct of all congressional relationships affecting matters under their jurisdiction, subject to the procedures outlined in paragraph 6 below. In addition, Heads of NAVAIR field activities must keep NAVAIRHQ (AIR-OOD) informed of significant matters relating to legislative affairs and congressional relations so that proper coordination can be achieved. (AIR-OOD is available to provide assistance to the field on these matters. (Telephone: Commercial 703-746-3785 and DSN 286-3785.))

c. NAVAIR Office of the Inspector General (AIR-09G) is responsible for providing specific guidance regarding the relationship with the General Accounting Office (GAO) and the releasability of information to the GAO.

6. Guidelines for Furnishing Information to Congress

a. General. It is the policy of DoD to make maximum information concerning its operations and activities available to both government officials and the public in general. Accordingly, NAVAIR field activities will

(1) cooperate fully with members of Congress, congressional committees, and their staffs by promptly providing maximum information available. Information not available to the public (paragraph 6a(2), below) can be made available to Congress, in confidence, by referring the information to NAVAIRHQ (AIR-OOD) for action. Inquiries relating to policies, plans, and other matters of manifest importance, as well as any question regarding the releasability of particular information to a member or committee of Congress, even in confidence, should be referred to NAVAIRHQ (AIR-OOD) for action. In no instance will a definite, final refusal of information to the Congress be made by heads of NAVAIR field activities, inasmuch as this authority is vested in the Secretary of the Navy (SECNAV), Secretary of Defense, and/or the President; and

(2) answer constituents' letters to members of Congress as fully as possible. The information requested by members of Congress for their constituents will be handled in the same manner as if the constituent had made the request directly to the activity, and such information will be tested for limitation on dissemination as follows:

(a) Classification of official information in the interests of national defense.

(b) Restrictions on official information which, in the best interests of the public as a whole, should not be given general circulation.

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(c) Restrictions imposed by provisions of the Privacy Act.

(d) Limitations imposed by the Freedom of Information Act. If it develops that the information a constituent seeks cannot be released, the member of Congress requesting the information will be advised promptly of the fact and of the reasons for the determination.

b. Congressional Investigations

(1) For the purposes of this instruction, a congressional investigation is defined as an inquiry, not related to pending legislation, by any congressional committee or subcommittee that uses investigative procedures, i.e., examining records, summoning, and questioning witnesses. Similar inquiries and requests for information by individual members of Congress and staff members may, by the nature of the inquiry, indicate a potential investigation by a committee. In most cases, potential criticism or censure of the Department of the Navy (DON) is discernible in the inquiry. As a basic objective, efforts should be made to preclude a formal congressional investigation by promptly furnishing, in response to such inquiries, properly cleared, adequate information on Navy programs and operations. Since local commands and activities seldom possess complete information necessary to respond fully to investigative inquiries from the Congress, it is the policy of SECNAV to respond to such inquiries from the Washington headquarters. Accordingly, such inquiries should be referred immediately to NAVAIRHQ (AIR-OOD).

(2) In the event that a member of Congress, a committee member, or a staff member contacts or visits a naval activity unannounced, to request information of an investigative nature or to look at records, the activity will follow the guidelines established by this instruction (paragraph 7a(4), below), and in matters concerning the disclosure of classified information, by the DoD Information Security Program Regulation (DOD 5200.1-R).

(3) The Surveys and Investigations Staff (S&IS) of the House Appropriations Committee is authorized to conduct surveys and investigations of the organization and operations of any executive branch agency. In this context, the S&IS is considered an extension of the Committee and represents the Committee during the course of an investigation. NAVCOMPT is the central coordinating office in the DON to maintain liaison with S&IS. NAVCOMPT will, in coordination with the offices of the CNO or the Commandant of the Marine Corps, designate a DON central point of contact (CPC). The DON CPC will act as the responsible officer for all matters related to the specific inquiry and will normally arrange for S&IS visits to DON headquarters and field activities. It is the practice of the S&IS to visit DoD installations unaccompanied by DON or DoD personnel. When activities are contacted regarding a visit by the S&IS, the activity will immediately notify NAVAIRHQ (AIR-OOD). AIR-OOD will then provide specific guidance regarding the relationship with S&IS and the releasability of information to the S&IS.

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(4) As an agent of Congress, the General Accounting Office (GAO) has been given broad authority to examine or review the accounting, financial, and related operations of the DON. NAVCOMPT has been delegated responsibility for liaison between GAO and the DON. This responsibility in NAVAIR has been assigned to the NAVAIR Office of the Command Inspector General (AIR-09G). That office should be contacted for guidance regarding relationships with GAO representatives. Telephone: Commercial 703-741-1379 and DSN 286-1379.

c. Restrictions on Lobbying. The Anti-Lobbying Act (18 U.S.C., 1913) prohibits the use of appropriated funds, directly or indirectly, to pay for "any personal service, advertisement, telegram, letter, printed or written matter, or other device" intended to influence a member of Congress in acting upon legislation, before or after its introduction. Under no circumstances should communications with associations, industry, or other members of the public, urge, directly or indirectly, that groups or individuals pressure members of Congress regarding a DoD program or issue. The Anti-Lobbying Act does not preclude an employee of the DON, while acting in his or her official capacity, from providing information to members of Congress about the Administration's position on matters before the Congress or about approved Navy programs.

d. Classified Information. Release of classified information to the Congress will follow the policies and procedures set forth in the DON Information and Personnel Security Program Regulation (OPNAV Instruction 5510.1H).

e. Information Not Releasable

(1) In no instance will information be provided regarding the identity or location of companies or persons receiving contract awards prior to public announcement of such information (Public Law 91-441, section 507). Neither will information on the Navy budget submission be released until after the President has presented the annual budget to the Congress, usually during January of each year.

(2) Do not give out information originated by another office, command, or service. Refer the requester to the originator's Congressional Liaison Office.

(3) GAO draft reports should be protected as should Navy draft responses to the GAO. It is DoD policy that information in GAO drafts be safeguarded to prevent publication or other improper disclosure of the information contained in the document. A DoD employee must not give a GAO draft to anyone outside the DoD, including Congress, regardless of the perceived merit of doing so. The GAO draft reports belong to GAO and requests for them must be referred to the GAO. The same protection and restrictions also apply to DoD and Navy draft responses.

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7. Procedures

a. General

(1) All congressional inquiries affecting the field which come first to the attention of NAVAIRHQ will be transmitted to the appropriate field activity by NAVAIRHQ (AIR-OOD), with appropriate deadline, for comment and return. Each field activity is required to provide complete, substantive information for preparation of a reply by NAVAIRHQ (AIR-OOD). The response to AIR-OOD will be signed by the activity head or the executive officer/technical director. If it is not possible to meet the deadline, NAVAIRHQ (AIR-OOD) should be notified by telephone. Necessary interim replies will be prepared by AIR-OOD.

(2) On purely local matters involving visits or direct inquiries from a member of Congress, and where policy or investigative questions are not involved, activity heads are expected to handle the matters directly following paragraph 6, above. A written statement of oral information or a copy of any written information furnished will be submitted to NAVAIRHQ (AIR-OOD), unless AIR-OOD has agreed to an alternative procedure.

(3) If it becomes apparent that adverse reactions by visiting officials may be the subject of an oral or written report, pertinent comments will be forwarded to NAVAIRHQ (AIR-OOD) to facilitate proper handling at the departmental level.

(4) Whenever possible, field activities will be advised of impending visits by members of Congress, congressional committees, or staff members, the purpose of the visit, background, security, and any areas of special consideration. Where such visitors appear at a field installation unannounced and request information of an investigative nature, the activity will immediately notify NAVAIRHQ (AIR-OOD) and OLA of the request. When unannounced visits by Appropriations Committee Members or staff occur, the activity will immediately notify NAVAIRHQ (AIR-OOD) and NAVCOMPT of the visit. Instructions will be requested from NAVAIRHQ (AIR-OOD) by the most direct means of communication. Every possible courtesy will be extended and every effort made to avoid delaying the investigation unnecessarily. If any deficiencies are noted during the course of a committee investigation in the field, and immediate on-the-spot corrective action is indicated and possible, the activity head will take such action and advise NAVAIRHQ (AIR-OOD) accordingly. (Report symbol OLA-5730-2, Congressional Field Investigations, assigned by SECNAV Instruction 5730.5G applies.) At the conclusion of a committee's investigation, hearing or visit, a summary report will be forwarded directly to OLA with copies to NAVAIRHQ (AIR-OOD). The report will delineate the place and duration of the visit, names of members of Congress and staff representatives, deficiencies noted, and corrective action taken or recommended. The report will be submitted by facsimile if deficiencies were disclosed or if the activity head considers that it is of sufficient importance to warrant such transmission. (Report symbol OLA-5730-1, Congressional Visits, assigned by SECNAV Instruction 5730.5G applies.)

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b. Replies to Written Inquiries. In the case of written congressional inquiries sent directly to field activities, a reply will be made within 5 working days of receipt of the inquiry. Replies are to be signed by the activity head or the executive officer/technical director. When a substantive reply cannot be made within this time, an interim reply will be made indicating the reason for delay and the anticipated date of final response. A copy of the final reply, together with a copy of the incoming letter, will be sent to NAVAIRHQ (AIR-OOD).

c. Congressional Aspects of Prospective Actions. Heads of NAVAIR field activities will inform NAVAIRHQ (AIR-OOD) as far in advance as possible of any developments within their jurisdiction that may reasonably be expected to have a significant effect upon a congressional district or upon its residents. Sufficient advance notice should be provided so that appropriate and timely notification may be given to the members of Congress or congressional committees concerned.

d. Proposed Legislation. Any activity desiring to propose new legislation necessary for the efficient discharge of its mission may do so at any time. The activity should submit an appropriate recommendation, with supporting data, to NAVAIRHQ (AIR-OOD) for processing and coordination on behalf of NAVAIR.

e. Congressional Information and Legislative Reference Service. NAVAIRHQ (AIR-OOD) maintains a congressional information and current legislative reference service and will respond to specific inquiries from field activities. Inquiries should be made on DSN 286-3785.

8. Reports. Report symbol OLA-5730-1, Congressional Visits, and OLA-5730-2, Congressional Field Investigations assigned by reference (a) contained in paragraph 7a(4) above are approved for 3 years only from the date of this instruction.


R. V. JOHNSON
Deputy Commander

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